



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
SUPPORT FOR LAW SCHOOLS AND BAR ASSOCIATIONS
IN MEXICO PROGRAM
QUARTERLY REPORT
ABA CY 2013, QUARTER 3
NARRATIVE
AID-523-A-10-00001**

A. INTRODUCTION

The American Bar Association Rule of Law Initiative (“ABA ROLI”) hereby presents its 13th Quarterly Report of the *Support for Law Schools and Bar Associations in Mexico Program* (“Program”) funded by the United States Agency for International Development (“USAID”). The report includes Program background, personnel updates, a results summary, and a results matrix. In addition, the report includes 10 attachments, among them the Bureau of International Narcotics and Law Enforcement Affairs¹ (“INL”) and the Performance and Monitoring Plan (“PMP”) reports, prepared per USAID’s request.

This report covers the period of July-September 2013. It is based on the corresponding work plan approved by USAID on December 10, 2010, as amended by the following modifications: Modification of Assistance 1, executed between ABA ROLI and USAID on December 9, 2011; Modification of Assistance 2, signed on September 13, 2012; Modification of Assistance 3, signed on December 12, 2012; and Modification of Assistance 4, executed on August 7, 2013.

Executive Summary

This quarter, ABA ROLI planned and carried out the following activities to support the implementation of the 2008 criminal justice reform and to improve the legal education and legal profession regimes in Mexico: (1) its fourth and final Specialized Training on the Mexican Accusatorial System, and delivered an additional such training at no cost for the Program; (2) adopted the final version of all three manuals that will be distributed to all law schools assisted to implement standardized university legal curricula, in conjunction with its partner *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho A.C.* (“CEEAD”); (3) conducted the fourth and final national moot court competition; (4) continued supporting the three criminal law sections within the clinics of its three partner universities; (5) presented its third Continuing Legal Education (“CLE”) Course on the Mexican Accusatorial System in Durango, and prepared and presented an additional such course in Morelos, at no further cost to the Program; (6) continued promoting its Model Code of Ethics for the Legal Profession; (7) continued promoting its Guide for Reform of

¹ Formerly the Narcotics Affairs Section of the U.S. Embassy.



the Legal Profession and Legal Education in Mexico; and (8) began activities under the Program's third phase (2013-2015). It is worth highlighting that the Program was able to complete these activities with USD \$22,092.01 in cost share contributions from local counterparts – a testament to the important level of support that the Program has successfully garnered in Mexico.

In addition, the Program continued to work with the *Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal* ("SETEC") and with the senior staff of Management Systems International's ("MSI") *Proyecto de Seguridad y Justicia* and other USAID implementers to coordinate the Program's activities with existing complementary initiatives and to facilitate high-impact and sustainable results.

Finally, during the current quarter, at the request of USAID/Mexico and local counterparts and stakeholders, the Program continued to conduct and support key activities to help foster a new vision of the legal education and legal profession regimes, and a more comprehensive incorporation of the accusatorial system in Mexico. Further information on these efforts can be found in the Results Summary section.

Program Background

As described in previous reports, this Program's original aim was to work closely with Mexican private and public justice sector operators to accomplish the following overarching objectives: (1) create a sustainable mechanism to alleviate the state and federal government burden of training current and future justice sector operators on the particularities of the new criminal justice system; and (2) enhance the ability of attorneys and judges to effectively and efficiently litigate and adjudicate cases, protect individual rights with appropriate accountability, and implement reforms effectively and rapidly. In December 2011, and at the request of USAID, the Program's strategic goal was shifted to focus solely on private sector operators and law faculty, both public and private.

The Mexican justice sector is at a critical stage in its implementation of the accusatorial system, which is due to be implemented in all 33 jurisdictions by 2016. In spite of important progress made, there still is a vast myriad of activities to be conducted for its correct implementation, including conscious-raising, training, and the creation of legislative framework.

President Enrique Peña Nieto's December 2012 announcement that his administration would explore the possibility of creating a single "unified" criminal procedure code nationwide has now been supported by Congress, which passed the corresponding constitutional amendment in September 2013. The unified criminal procedure code, which will be adopted in the months to come, will progressively replace all existing state codes, and will constitute a significant milestone in the road towards the full operation of the accusatorial model.



However, no judicial reform will ever be successful in the absence of a regulatory framework to oversee the technical and ethical performance of private practitioners. Mexico currently lacks such framework.

Within this context, ABA ROLI aims to strengthen the capacity of Mexican private attorneys, law professors, bar associations, and law schools to support the implementation of the accusatorial system by deploying the activities included in the Results Summary of this report.

Personnel

Resident Program staff includes Country Director Alonso González-Villalobos; Senior Coordinator David Fernández Mena; Field Financial Manager, Gabriela Cruz Ortiz; Program Officer Mireya Moreno; Administrative Assistants Sahila Hernández Uribe and Silvia Sánchez Jiménez. In August 2013, Ms. Bertha Alcalde Lujan joined as Program Officer, and Ms. Maria José Peláez Barrera, in the position of Program Assistant.

The Program is supported in Washington, D.C. by the Latin America and the Caribbean Division, including Michael McCullough, Director; Chantal Agarwal, Senior Program Manager; Stacy Clenney, Program Officer; and Cynthia Arévalo, Program Associate.

B. RESULTS SUMMARY

Component 1: Conduct Accusatorial System Training for Law Schools and Bar Associations

Activity 1(A): Conduct Basic Accusatorial System Trainings

All activities under this component have been successfully concluded. There is nothing further to report.

Activity 1(B): Conduct Specialized Accusatorial System Trainings

– Fourth Specialized Training: Cuernavaca –

From August 14-16, 2013, in Cuernavaca, the Program trained 65 private practitioners, law professors and advanced students (30 female, 35 male) during a three-day seminar, which was led by a combined team of Mexican and international trainers, including the Program's resident staff. Participants were provided with a deeper understanding of topics that address specific and sensitive areas related to the accusatorial system in Mexico, such as the investigation phase (including conditions for release), pre-trial litigation, and the Human Rights and *Amparo* regimes in relation to the criminal procedure, all of which



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Participants exchanging views with trainers Prof. Pablo González and Prof. Miguel Medina, on the topic of extraordinary remedies during the Program's training in Cuernavaca

are necessary for the accusatorial model to fully produce benefits. This type of training is a first of its kind to have been offered by any agency or institution in the country, and was entirely developed by ABA ROLI Mexico's staff.

In preparation for this training, ABA ROLI sent training materials

for peer review, by professors María Antonieta Maltos Rodríguez, Peter Mitchel, and Ruben Cardoza Moyron, processed their feedback,

and adopted the final draft of materials. The support of said professors was conducted on a pro-bono basis, thereby contributing a combined amount of USD \$ 6,888 of cost share. The *Secretaría Ejecutiva de Enlace para Asuntos de Justicia Penal* of the State of Morelos Government and the *Universidad La Salle de Cuernavaca* co-sponsored the event, at no cost to the Program, thereby contributing USD \$ 10,924.69² as cost share.

The results of a pre and post quiz applied to participants help show the workshop's real impact. For example, while 57% of them knew the difference between conciliation and mediation at the beginning of the seminar, 91% of them chose the correct answer by the end. Also, while only 38% of participants answered correctly when asked about the risks of defense counsel conducting the investigation by themselves (that is, in absence of an investigator), by the end of the workshop the percentage grew to 71%. Results and charts of the questionnaire are included in Attachment "A" to this report.

This increase is confirmed in a self-assessment survey taken by participants, same which shows that the percentage who felt that they had an "excellent" understanding of the topic of conditions of release (pre-trial litigation) increased from only 5% before the workshop to 45. Further, the percentage of participants indicating a "good" knowledge of the constitutional reform on *amparo* jumped more than 100%, from 23% at the beginning of the training to 48% at the end, while the percentage of those indicating and "excellent" understanding of the same topic jumped from 3% to 27%, that is, almost ten times over.

² The amount of USD \$10,924.69 is composed as follows: (i) USD \$6,692.72 contributed by *ULSA* by providing its facilities for free, which is based on Oanda.com's exchange rate of 12.76 for August 16, 2013, and corresponds to MxP \$85,399.20; and (ii) USD \$4,231.97 contributed by the *Secretaría Ejecutiva de Enlace para Asuntos de Justicia Penal* by paying for coffee breaks, and is based on Oanda.com's exchange rate of 12.76 for August 16, 2013, corresponding to MxP \$54,000.



Results of the self-assessment survey and comments are included in Attachment “B” to this report.

– Fifth (extra) Specialized Training: Mexico City –

Having maximized resources from its second phase (December 2011-August 2013), the Program managed to deliver a fifth and final Specialized Training from September 25-27, 2013, in Mexico City, at no additional cost. This final time, 67 private practitioners and law professors (48 male, 19 female) successfully completed and received the corresponding certificate of attendance to the course. A combined team of Mexican and international trainers, including the Program’s resident staff led the workshop.

The results of the training are evident; as illustrated in the charts in Attachment “C”, at the end of the training participants achieved an overall knowledge increase of 26%, according to the pre- and post-training questionnaires, although, most notably, the average increase of all individual increases is 44%. Furthermore, according to a survey given at the beginning and at the end of the workshop, while 5% of students indicated they had an “excellent” level of knowledge regarding active and passive investigation of criminal cases prior to the training, that percentage jumped nine-fold to 42% by the end. All survey results can be found in Attachment “D”.

The *Escuela Libre de Derecho* co-sponsored the workshop, by providing the venue at no cost to the Program, thereby contributing USD \$ 1,983.32³ as cost share. Prior to the training, Professors María Antonieta Maltos and Ruben Cardoza kindly reviewed materials prepared by the Program’s staff, on a pro-bono basis, thereby contributing an additional combined amount of USD \$ 2,296 in cost share.

Component 2: Strengthening the Capacity of Law Schools to Prepare Law Students for the Accusatorial System

Activity 2(A): Implement Standardized Law School Curriculum

During this period the Program:

- (i) Adopted the final version of the materials that will support law faculty to teach and manage courses on the new criminal justice system (three manuals in total: Reading Book, Case Book, and Teachers’ Guide); and
- (ii) Made preparations for its online presentation, next quarter, to all universities supported for the past 12 months, in the states of Baja California, Chihuahua, Durango, Nuevo Leon, Morelos, Hidalgo, and Oaxaca..

³ The amount of USD \$1,983.32 is based on Oanda.com’s exchange rate of 13.01 for September 27, 2013 (corresponding to MxP \$25,803).

Activity 2(B): Conduct Mock Trial Competitions

During this quarter, ABA ROLI conducted its fourth National Competition, for the second time in conjunction with *Colegio Jurista*, based in Cuernavaca, Morelos. Specific activities were as follows:

- a) On July 12, 2013, the Program finalized preparing the hypothetical case, rules and regulations, and methodology for the competition, and posted all materials on the electronic portals of both organizing institutions. Further, the Program visited the Morelos Superior Court to re-confirm their willingness to host the last rounds of the competition and discuss logistics. The contest was designed to admit teams composed of up to four students, and was divided in two phases: phase one required teams to submit video clips recording an opening statement as prosecutors and defense counsel and a request for pre-trial release, while the second, an oral one, consisted of a series of live simulated hearings in which the best teams selected from round one will perform both sides, by interviewing witnesses, presenting opening and closing statements and examining and cross-examining witnesses.



The winning team and their coach and judges, at the 2013 National Mock Trial Competition, in Cuernavaca

- b) From August 2-21, 2013, ABA ROLI reviewed and evaluated the video clips received by competing teams as part of the preliminary phase of the competition. Also, the hypothetical case to be used at the semifinal and final rounds, along with the evaluation criteria and the time management rules were released to all participants.
- c) From September 19-21, 2013, in Cuernavaca, Morelos, the Program conducted the semifinal and final rounds. Eleven teams from four different states (43 students in total) were asked to perform both sides of the hypothetical case (as defense counsel and also as prosecutors), by interviewing, examining and cross-examining witnesses, and presenting opening and closing statements. All rounds were

conducted in real courtrooms, facilitated by the Morelos Supreme Court at no cost for the Program, thereby providing a real-life setting for the competition. The winner team came from Colegio Jurista, based in Cuernavaca. It must be noted that while 14 teams had qualified to these rounds, three of them could not attend due to weather adversely affecting transportation in the country.

Just as it had done in previous competitions, the Program was mindful of making its best efforts to guarantee that law schools from all seven USAID strategic states were invited and encouraged to participate.

Activity 2(C): Support Criminal Defense Clinics

As explained in the program description attached the Cooperative Agreement (as amended up until Modification of Assistance # 3), the legal clinics project was originally scheduled to end by August 31, 2013.

Modification of Assistance # 4, signed on August 7, 2013, officially launched the Program's third phase, in which support for the original three legal clinics will be carried forward and six more legal sections will be created in six new universities, for a total of nine sections.

During this reporting period, specific activities included the following:

- a) Legal Clinic at *Universidad La Salle de Cuernavaca* ("ULSA"), in Cuernavaca, Morelos (the "ULSA Clinic"):
 - a. From July 1-30, 2013, the Program continued supporting the ULSA Legal Clinic's Director who, in turn, continued closely supervising all active cases. No substantial changes occurred, mainly due to the summer holidays.
 - b. After that, and through the end of this quarter, the ULSA Clinic received and considered six new consultations. After careful deliberation, and in accordance with the clinic's eligibility rules, the Director and student staff concluded that all six required formal representation for further action before the relevant authorities, which was offered and accepted by the corresponding clients. Cases involve allegations of domestic violence and claims for failure to pay child support. The clinic is representing the victims in all those cases.
 - c. In spite of having had suffered an accident that kept her home for over three weeks, the clinic's director continued remotely supervising all activities of the clinic, something which clearly shows her deep commitment to the program.

- b) Legal Clinic at *Universidad Autónoma de Cd. Juárez* (“UACJ”), in Cd. Juárez, Chihuahua (the “UACJ Clinic”):
- a. From July 1-August 8, 2013, the Program continued supporting the UACJ Legal Clinic’s Director who, in turn, continued closely supervising all active cases. No substantial changes occurred, mainly due to the summer holidays.
 - b. From August 9-14, 2013, a new team of students joined the clinic, and began their training by the older student staff. Further, Program Senior Coordinator David Fernandez Mena visited the clinic to review administrative procedures (statistics, personal data adaptation, etc.), and process feedback from students.
 - c. During the reporting period, the UACJ Clinic received forty-one consultations and offered legal advice for their respective cases. The staff carefully analyzed each case and concluded that, in accordance with their nature and the clinic’s regulations, three of them qualified for further formal representation by the clinic; same which was offered and accepted by the respective clients. However, in all other cases, clients’ immediate questions were answered and the clinic offered advice as to possible future scenarios, referring them to other social aid institutions.
- c) Legal Clinic at *Facultad Libre de Derecho de Monterrey* (“FLDM”), in Monterrey, Nuevo Leon (the “FLDM Clinic”):
- a. On June 28, 2013, in Monterrey, Nuevo Leon, partner university FLDM, under the supervision of the Program, appointed Mr. Iker Ibarreche, a former public defender, with robust training experience under the accusatorial system, as the new Criminal Legal Clinic director.
 - b. From July 5-15, 2013, in Mexico City and Monterrey, Nuevo Leon, the Program delivered virtual and in person training to Mr. Ibarreche. The training was delivered by Senior Coordinator David Fernández Mena and focused on best practices regarding dynamics for clinical learning, the nature and objectives of a criminal law clinic anchored at the undergraduate level, recruitment procedures for students, selection and management of cases, risk assessments, reporting, branding, general administration and the development of a comprehensive manual of operations.
 - c. From July 18-24, 2013, in Mexico City and Monterrey, Nuevo Leon, the Program continued revising all aspects of the FLDM criminal law clinic, making all necessary arrangements to re-launch its operations in August,

2013, same which happened on the week of August 2-September 4, 2013. Three students were selected to join and began working.

- d. During the reporting period, the FLDM Clinic received two new consultations and offered legal advice in connection thereto. The staff carefully analyzed each case and concluded that, in accordance with their nature and the clinic's regulations, both of them qualified for further formal representation by the clinic; same which was offered and accepted by the respective clients. One case, particularly interesting, involves three counts of fraud against a senior woman, who is being represented by the clinic.
- e. As stated in previous reports, it needs to be noted that the state of Nuevo Leon started operating with the accusatorial system in January 2013, but only in respect to a very limited number of crimes. The list of crimes will be increased progressively over the next three years. This structure significantly reduces the number of eligible cases for the FLDM Clinic.

During the following months, the Program will continue supervising, remotely and in-person, the performance of all three the clinics, supporting their directors and the partner universities' management in all technical and operative aspects. Further, the Program will select the second set of three new universities to be assisted and supported in creating three more clinics during FY2014.

Component 3: Strengthen the Capacity of Bar Associations to Support Attorneys under the Accusatorial System

Activity 3(A): Develop Continuing Legal Education ("CLE") Curriculum for Bar Associations

The Program supports efforts of state-based bar associations to inform and prepare lawyers for the new justice system launched last quarter. It additionally aims to reinforce their commitment to the transition and prevent counter-reforms. During this period:

- a) The Program concluded all activities in connection with its third project, which assisted the *Barra Mexicana, Colegio de Abogados de Durango, A.C.*, in Durango. Public presentation of the Continuing Legal Education Program on the Accusatorial System specially designed for such institution (the "Durango CLE Course") took place on July 10, 2013, in Durango, and was held within the context of a meeting of the host institution's board of directors specially called for that purpose, where the beneficiary institution signed and delivered a commitment to implement the Durango CLE Course, at their own expense, as soon as possible (such commitment can be found on Attachment "E").

The Durango CLE Course contemplates 155 hours of training for private practitioners on topics such as human rights, theory of the case, preliminary hearings, trial advocacy skills, remedies, and amparo, and includes (i) a list of recommended Mexican trainers, all of whom had previously been direct or indirect beneficiaries of the Program's activities or other USAID funded programs, and who have accepted to become part of the Program's standing pool of national trainers on the accusatorial system; and (ii) a list of suggested bibliographical and referential materials to be used during the Durango CLE Course.

- b) Even when the Program's commitment was to deliver three such CLE courses, due to synergies created and savings realized, the Program was able to prepare and deliver a fourth CLE course in August 2013. This time, ABA ROLI specially designed a CLE Program for the Mexican Accusatorial System for the Morelos Commission for the Implementation of the New Criminal Justice System (the "Morelos CLE Course"). Formal presentation took place on August 13, 2013, and was attended by the host institution and 27 private practitioners representing most of the bar associations operating in the State of Morelos. The Commission's General Secretary signed and delivered a formal commitment to assist all existing bar associations to implement the Morelos CLE Course, at their own expense, as soon as possible (Attachment "F"). The Morelos CLE Course was prepared using the same structure and covering the same topics as those included in all Program previously created CLE courses, adapting it to the specific needs and realities of the Morelos legislation.

Activity 3(B): Develop a Model Ethics Code for Attorneys

The creation and release of the Model Code of Ethics for the Legal Profession ("Model Code") has had great impacts. Various bar associations (even from States not covered by the Program, such as Baja California Sur and Michoacán) have approached the Program asking for more copies of the document, and also informing their intention to adopt it as their internal binding regulation.

The Program has thus planned to print more copies, taking advantage of financial savings achieved through the end of this quarter, and to continue promoting it vigorously.

Under such logic, during this period, the Program conducted the following activities:

- a) On July 9, 2013, ABA ROLI Mexico publicly presented the Model Code at the Durango Superior Court of Justice. During the event, which was co-hosted by the *Barra Mexicana, Colegio de Abogados de Durango, A.C.*, ("BMD") and attended by 42 practitioners, the Program's Country Director presented on the genesis, the drafting procedure, the scope and the general objective of the Model Code, while Program Officer Mireya Moreno presented on the specific contents of the

document, and they both engaged the audience in an open dialogue about actions to strengthen ethical standards for the legal profession. The Durango Superior Court Vice President and the President of the BMD presided the event.

- b) From July 24-27, 2013, in Chihuahua, Chihuahua, ABA ROLI Mexico participated in the three-day Annual National Conference organized by the National Confederation of Attorney Associations of Mexico (*Confederación Nacional de Asociaciones de Abogados de México, A.C.*, or “CONCAAM”). The CONCAAM is the largest umbrella organization of bar associations in Mexico, and is well respected for its work in advancing the interests of the legal profession. The Program’s Country Director delivered a keynote presentation on the Road to Improve the Legal Profession in Mexico, which included the promotion of the Model Code. The conference was attended by over 900 attorneys from throughout the Country.
- c) A similar public presentation took place on August 13, 2013, in Cuernavaca, Morelos, at the Morelos Superior Court, which was attended by a group of 42 law professors, private practitioners, bar associations’ representatives, and advanced students.
- d) Similarly, on August 26, 2013, in Tijuana, Baja California, the Program publicly presented the Model Code at the *Casa de la Cultura de la Suprema Corte de la Justicia de la Nación de Tijuana* (Mexico’s Supreme Court office in Tijuana), to a group of 42 law professors, private practitioners, bar associations’ representatives, and advanced students. This time, the presentation was made by Country Director Alonso González-Villalobos and Senior Coordinator David Fernández Mena, but in a similar format as that used in previous presentations referred to above.

Further, during this period, the Program obtained formal signed endorsements to the Model Code of Ethics from the following bar associations: (i) *Barra Mexicana, Colegio de Abogados de Oaxaca, A.C.*; and (ii) *Colegio, Asociación de Abogadas Chihuahuenses, A.C.* A copy of those endorsement letters can be found in Attachments “G” and “H”.

Component 4: Support Local Efforts to Advocate for Reforms of the Legal Profession and Legal Education regimes

Activities under this component, which has formally concluded as an independent objective by the end of this reporting quarter, entailed efforts to promote improvements in the legal education and legal profession regimes in Mexico, based on the findings of the 2011 Legal Education and Legal Profession Reform Indexes produced by the Program, by (i) producing a Reform Guide of the Legal Profession and Legal Education, and (ii) launching a campaign to lobby key aspects of the Reform Guide.

Activity 4(A): Finalize and Disseminate the Guide for Reform of the Legal Profession and Legal Education

During this quarter, the Program continued promoting the Guide for Reform of the Legal Education and the Legal Profession in Mexico (the “Reform Guide”), both at the federal level and in the pilot jurisdiction of Nuevo Leon. Specific activities conducted this period included:

- a) On July 10, 2013, in Mexico City, the Program and Mexican Federal Senator Arely Gómez (PRI) confirmed the terms for the Program’s support in her efforts to advance key recommendations contained in the Reform Guide at the federal level, especially those which relate to mandatory bar membership and certification of private practitioners. This, among others, was a fundamental milestone that led to the cost-extension of the Program by launching its third phase in August, 2013.
- b) During its participation at the three-day Annual National Conference organized by the CONCAAM, from July 24-27, 2013, in Chihuahua, Chihuahua, the Program also promoted the contents of the Reform Guide to the entire audience which attended the key note presentation delivered by Country Director on the “Road to Improve the Legal Profession in Mexico.” As mentioned above, the conference was attended by over 900 attorneys from throughout the country.
- c) On September 11, 2013, in Monterrey, ABA ROLI hosted and supported a meeting of the Advisory Committee for the Promotion of the Reform Guide to plan promotional activities for CY 2013 Q4 in the pilot jurisdiction of Nuevo Leon. The Advisory Committee is formed by Messrs. José Robles Fernandez (Dean at FLDM), Fernando Villarreal Gonda (Academic Secretary at FLDM), Gabriel Cavazos Villanueva (Director of the Graduate School on Politics and Law, at Tec de Monterrey), Rogelio Contreras (Director of the Justice Reform Program at *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho*), Oscar Lugo Serratos (Professor at Universidad Autónoma de Nuevo León), and Javier Ponce de Leon (President of the *Capítulo Nuevo León de la Barra Mexicana, Colegio de Abogados*).
- d) On September 18, 2013, in Mexico City, the Program’s Country Director delivered a presentation at *Instituto Nacional de Ciencias Penales* on mandatory bar membership and certification for lawyers, at a roundtable in which Senator Angelica de la Peña Gómez and presidents of the major bar associations based in Mexico City were also invited. Some 150 practitioners, legislators, and academics attended the event.

Activity 4(B): Support the Implementation of Key Recommendations of the Guide.

Many institutional representatives with whom Program staff met during this period expressed their interest in analyzing its contents in-depth, with the view of exploring ways to implement key recommendations. An important milestone was reached with the formal commitment of three more federal senators (led and convened by Senator Arely Gomez), to have the Program facilitating the drafting of a constitutional amendment to introduce bar membership and certification for lawyers, which is one of the most important recommendations contained in the Reform Guide. Such Senators are Roberto Gil Zuarth (PAN), Miguel Romo Medina (PRI) and Angélica de la Peña Gómez (PRD).

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INL Report

As part of the accountability of ABA ROLI's activities in Mexico and as per USAID/Mexico's request on June 11, 2012, the Program updated its matrix of training activities for INL, of the U.S. Embassy in Mexico. The matrix can be found at Attachment "I".

Performance and Monitoring Plan / Conclusion of the Program's Second Phase

As reflected in this report, by September 30, 2013, the Program successfully concluded the all activities committed under the Cooperative Agreement as revised until Modification of Assistance # 3. All goals set were achieved and significantly exceeded in some cases. Specific results can be found in the updated Performance and Monitoring Plan (Attachment "J"). ABA ROLI is grateful and honored for the opportunity to continue working under the third phase.

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Activities in the Revised Program Description – Phase Three

As expressed above, the Program's third phase was officially launched with the execution of the Cooperative Agreement Modification of Assistance # 4 on August 7, 2013. The new Program's objectives are as follows:

- (i) Objective One: Legislative Framework to Regulate the Legal Profession in Mexico Developed.
- (ii) Objective Two: Bar Associations Strengthened to Enhance the Quality of the Legal Profession in Accordance with the Accusatorial System.
- (iii) Objective 3: Law Schools Develop and Implement Legal Clinics to Enhance the Skills of the Next Generation of Criminal Justice Sector Operators.

During this reporting period, and given the importance of the political momentum, as advised by Senator Gomez, the Program began conducting activities under Objective One, which included the following:

a) Basic Legislative Framework Drafting.

- a. On August 12, 2013, in Mexico City, the Program officially launched the strategy to develop a basic Legislative Framework to incorporate mandatory bar membership and certification for lawyers, by successfully convening a Drafting Committee and facilitating its first meeting. The meeting was presided over by Senator Arely Gómez González and attended by 14 of its 15 members.⁴ Members unanimously adopted a route map for its work, including dates and times for the following meetings, deliverables, and general and specific objectives, including a draft bill to amend the federal constitution and a set of secondary legislation, both federal and state. ABA ROLI Mexico staff actively participated in the discussions and also serves as the technical secretariat of the Committee, taking care of all administrative and logistical arrangements to facilitate the meetings and supporting members with research and note taking as appropriate.
- b. On August 19, 2013, in Mexico City, the second meeting of the Drafting Committee convened by the Program to develop a basic Legislative Framework to incorporate mandatory bar membership and certification for lawyers took place. The meeting was attended by 13 of 15 members. Members discussed and partially adopted the wording for the constitutional reform. From August 22-28, 2013, in Mexico City, the Program processed feedback received by members of the Drafting Committee convened to develop a basic Legislative Framework to incorporate mandatory bar

⁴ Members attending the first meeting were the following: (1) *Mr. Salvador Sandoval Silva* – technical representative of Senator Arely Gómez González (PRI); (2) *Mr. Christian Muñoz Robles* – technical representative of Senator Miguel Romo Medina (PRI); (3) *Ms. Marien Rivera Carrillo* – technical representative of Senator Roberto Gil Zuarth (PAN); (4) *Ms. Makawi Staines Díaz* – technical representative of Mexico's Supreme Court Justice Arturo Zaldívar Lelo de Larrea; (5) *Mr. Erick Iván Matamoros Amieva* – Deputy Director of Professions, Federal Education Ministry; (6) *Mrs. Diana Cecilia Ortega Amieva* – technical representative of Mr. Luis Raúl González Pérez, Counsel -General of the *Universidad Nacional Autónoma de México*; (7) *Mr. Óscar Cruz Barney* – Senator of the *Unión Iberoamericana de Colegios y Agrupaciones de Abogados* and former President of the *Ilustre y Nacional Colegio de Abogados de México*; (8) *Mr. Cuauhtémoc Reséndiz Núñez* – Member of the *Barra Mexicana, Colegio de Abogados* specially appointed as its representative for the committee; (9) *Mr. Gerardo Nieto Martínez* – Former President of the *Asociación Nacional de Abogados de Empresa, Colegio de Abogados*; (10) *Mr. Héctor Fix Fierro* – Director of the *Instituto de Investigaciones Jurídicas de la UNAM*; (11) *Mr. Orlando Camacho Nacenta* – Director of *México SOS*; (12) *Mr. Gabriel Cavazos Villanueva* – Director of *EGAP– Gobierno y Política Pública* at the *Tecnológico de Monterrey*, in Monterrey; (13) *Mr. Mtro. Absalón Álvarez Escalante* – Law School Dean at *Universidad Anáhuac del Mayab*, in Merida, Yucatan, and former president of the *Colegio de Abogados de Yucatan*; and (14) *Mr. Agustín Saucedo* – Legal advisor to *Institución Renace ABP*.

membership and certification for lawyers, and produced and distributed a new version of documents to be discussed at the Drafting Committee's third meeting.

- c. On September 2, 2013, in Mexico City, ABA ROLI hosted and supported the third meeting of the Drafting Committee. The Committee reached a final agreement on the best wording for the constitutional reform, which will imply modifying Articles 5, 28 and 73, so as to empower the Federal Congress to set the minimal bases upon which each state legislature will further elaborate specific regulations. The next steps will be (i) to decide on the transitional clauses for the constitutional reform (i.e., timing and methodology for its entering into force), and (ii) drafting the basic contents of the general law and the state model law.
- d. On September 9, 2013, in Mexico City, the Program hosted and supported the fourth meeting of the Drafting Committee. The Committee reached a final agreement regarding the best wording for the constitutional reform transitional clauses, and adopted the general structure for the general (federal) law that will set the minimum requirements that all 32 jurisdictions will have to abide by.
- e. On September 24, 2013, in Mexico City, the Program hosted and supported the Drafting Committee's fifth meeting. Members discussed the preliminary recitals to be incorporated at the constitutional reform, and decided that a new draft was needed.
- f. On September 30, 2013, in Mexico City, the Program hosted and supported the sixth meeting of the Drafting Committee. The final draft of the constitutional amendment wording, foreword and transitional clauses was adopted, and the route map and strategic plan to develop the draft implementing legislation was modified.

b) Promotion of the Basic Legislative Framework

From September 27 – October 2, 2013, the Program formally launched activities towards the creation of a collection of essays under the name of "*Contemporary Dilemmas of the Legal Profession in Mexico*", which will cover a variety of topics such as mandatory bar membership, certification procedures and ethical standards for lawyers, and, once adopted, will be massively distributed in the country. Authors for each essay will be top-level practitioners, academics or observers of the legal profession in Mexico.



Finally, during this reporting period, the Program began logistical and substantive preparations for the full deployment of all activities under Objectives Two and Three of the revised Program Description.

Activities for the Next Quarter

- Adoption of a preliminary draft of the secondary (enabling) legislation introducing bar membership and certification for lawyers, within the Legislative Committee.
- Constant promotion of the Ethics Code for the Legal Profession and the Reform Guide.
- Research towards the adoption of all materials under objective 2 of the work plan, as revised on August 7, 2013.
- First Training of Trainers on Trial Advocacy Skills Workshop for private practitioners, in Ciudad Juarez, Chihuahua.
- Scouting and research towards the selection of three universities who will be supported in the creation of a criminal law section during FY2014.
- Substantive and logistical preparations for all future activities.

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